

REMARKS

Election/Restrictions

The Examiner has said:

During a telephone conversation with Thomas E. Fehr on 12/13/02 a provisional election was made without traverse to prosecute the invention of Group III, claims 13-15, 17, 19-21, and 23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-12, 16, 18, 22, 24, and 25-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant does hereby affirm the election without traverse to prosecute the invention of Group III, claims 13-15, 17, 19-21, and 23.

Drawings

The Examiner has stated:

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the connecting wall having a first end connected to the lateral surface" must be shown or the feature(s) canceled from the claim(s). Fig. 3 shows two connecting walls. A box with a single connecting wall is not shown.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1400" has been used to designate both the sidewall on the recessed cover plate front portion and the sidewall of the recessed cover plate rear portion. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "27" has been used to designate both the end wall on the recessed cover plate front portion and the end wall of the recessed cover plate rear portion. Moreover, the drawings do not show a plan view of the box so that one can see the interior of the box with the interior surfaces of the channels. The corner lines in the right rear corner of the box do not line up as they should.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant has provided new Figure 7 showing, in an exploded view, that there is a single connecting wall having a first end **1502** connected to the lateral surface **1500**.

For the inner portion **24** of the two-piece recessed faceplate **25** the reference number for the top has been changed from 27 to 4027; for the bottom, from 28 to 4028; for the two side, from 29 to 4029; and for the interior surface, from 1400 to 4014 in order to eliminate duplication.

Applicant requests guidance concerning the need for a plan view. The Examiner indicates that he wishes one to “see the interior of the box with the interior surfaces of the channels.” Applicant is confused because these features are evident in Figures 1 through 4. Thus, Applicant does not understand what the Examiner desires. Upon clarification, Applicant will provide whatever drawing the Examiner wishes.

Figures 1 through 4 have had the corner lines in the right rear corner of the box altered to comply with the Examiner’s instruction.

Claim Rejections

35 U.S.C. § 112

Next the Examiner comments:

Claims 13-15, 17, 19-21, and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 13 and 19, the claims set forth a connecting wall. However, the drawings show to separate connecting walls one on each side of the rear wall. The claims state that the connecting wall has a first end that is attached to the lateral surface and projects generally outward from the lateral surface. The second connecting wall is not specified. The claim does not set forth to what part of the lateral surface is attached. The claim sets for that a front portion is attached and projecting generally forward from the sides and the second end of the

connecting wall. It is not clear how the front portion is connect o only the one connecting wall. Moreover, the first end of the front portion only requires three sides connected to the connecting wall. It is not clear how the front portion is attached to the connecting wall on three surfaces. The remaining claims are included since they stem from the rejected claims.

Applicant respectfully believes that new Figure 7 and the amendment to page 8 of the Application will clarify these matters.

The amended paragraph is as follows:

Attached to and projecting generally forward from the rear wall **4** is a lateral surface **1500** that connects the perimeter **1501** of the rear wall **4** to a first end **1502** of a connecting wall **1503** which connecting wall **1503** extends generally outward from, and preferably, perpendicular to, the lateral surface **1500**. A first end **4050** of the lateral surface **1500** is connected to the perimeter **1501** of the rear wall **4**, and a second end **4060** of the lateral surface **1500** is connected to the first end **1502** of the connecting wall **1503**. Attached to and projecting generally forward from the second end **1504** and from the sides **1505** (At least when the box **1** has a rectangular shape, the portions of the second end **1504** of the connecting wall **1503** that is in the same plane as the sides **7** of the box **1** are termed “sides” **1505**.) of the connecting wall **1503** is the first end **1506** of the front portion **11**. The second end **1507** of the front portion **11** forms the mouth **3** of the box **1**.

Thus, as seen in Figure 7, the first end **1502** of the unitary connecting wall **1503** attaches to a second end **4060** of lateral surface **1502**.

The connecting wall **1503** extends generally outward from the lateral surface **1502** (and the first end **1502** of the connecting wall **1503**. Such extending could be, but is not necessarily, uniform. (Nothing in the specification required uniform extension, and the drawings showed a preferred non-uniform—rectangular extension.)

The paragraph beginning on line 17 of page 8 further clarifies:

In the preferred embodiment, the box **1** has a rectangular cross section. As illustrated in Figure 1 and Figure 2, the front portion **11** of the box **1** extends beyond the top **5** and beyond the bottom **6** of the rear portion **8**. A top wall **12** that is preferably generally parallel to the front **3** and the back **4** of the box **1** runs from the top **5** of the rear portion **8** to the top **13** of the front portion **11** of the box

1 and between the sides 7 of the box 1. Similarly, a bottom wall 16 that is preferably generally parallel to the front 3 and the back 4 of the box 1 runs from the bottom 6 of the rear portion 8 to the bottom 17 of the front portion 11 of the box 1 and between the sides 7 of the box 1. Thus, in the preferred embodiment, the connecting wall 1503 is comprised of the top wall 12 and the bottom wall 16 and sides 7 which are integrally formed with the sides 7 of the rear portion 8 and the sides 7 of the front portion 11 of the box 1.

Thus, the first end 1506 of the front portion 11 attaches to four "sides," viz., the top portion of the second end 1504 of the connecting wall 1503, the bottom portion of the second end 1504 of the connecting wall 1503, and the two portions of the second end 1504 of the connecting wall termed sides because they are in the same plane as the sides 7 of the box 1.

Finally, the Examiner provides:

Claims 13-15, 17, 19-21, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 13 and 19, the claims set forth a connecting wall. However, the drawings show to separate connecting walls one on each side of the rear wall. The claims state that the connecting wall has a first end that is attached to the lateral surface and projects generally outward from the lateral surface. The second connecting wall is not specified. The claim does not set forth to what part of the lateral surface is attached. The claim sets forth that a front portion is attached and projecting generally forward from the sides and the second end of the connecting wall. It is not clear how the front portion is connected to only the one connecting wall. Moreover, the first end of the front portion only requires three sides connected to the connecting wall. It is not clear how the front portion is attached to the connecting wall on three surfaces. It is not clear what is being claimed. The remaining claims are included since they stem from the rejected claims.

Applicant respectfully believes that the discussion concerning 35 U.S.C. 112, first paragraph, is equally applicable here and renders the claims definite.

Applicant respectfully requests the Examiner to allow claims 13-15, 17, 19-21, and 23.

DATED this 10th day of June, 2003.

Respectfully,

Clark H. Gates, II

By Thompson E. Fehr

Thompson E. Fehr

Attorney

Registration No. 31353

(801) 393-6292

Attorney's Address:

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403